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Aspin Decries Federal Power Of Censorship

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The chairman of the House Intelligence oversight subcommittee yesterday urged congressional action to prevent government censorship powers from being used to ward off criticism and embarrassment.

Rep. Les Aspin (D-Wis.) expressed alarm at the scope of a recent Supreme Court decision upholding the CIA's secrecy agreements and said he feared that other government agencies could use the ruling to clamp down on current and former employees.

"This is an area that cries out for legislation," Aspin declared in a statement following up on a briefing last month on the CIA's prepublication review system. He said a brief check of other U.S. intelligence agencies showed wide disparities in their practices.

Aspin, who intends to hold a hearing on the issue, pointed out that the top secret—National Security Agency, "whose employees are privy to some of the most highly classified national security information," has no rule requiring the submission of writings for review.

Meanwhile, the FBI, "whose primary mission is one of law enforcement and whose employees may never see classified information," Aspin said, requires all present and former employees to submit manuscripts containing any information learned in the course of their work for the bureau.

The CIA and the Defense Intelligence Agency require the submission of manuscripts containing any intelligence information, whether it is classified or not, obtained in the course of employment.

Aspin said he had no quarrel with the notion that U.S. intelligence agencies ought to be able to protect their legitimate secrets, but he said the Supreme Court ruling, in effect, "sharpens the government's blue pencil and invites the intelligence agencies to edit manuscripts for far more than classified material."

The Supreme Court held in the case of former CIA officer Frank Snepp that explicit secrecy agreements were not necessarily required, and it suggested that all government employees who deal in confidential matters could be required to submit to prepublication review.

Calling for legislation to narrow the court's Feb. 19 ruling, Aspin said that "many agencies deal with classified information. The Department of Commerce, the Environmental Protection Agency, the Department of Interior and the Department of Agriculture are but a few examples."

He said the legislation should spell out which agencies may impose secrecy agreements and should set up an outside review board to consider appeals of what is censored. Appeals of CIA deletions, Aspin noted, are handled by the CIA.

Aspin said he felt Congress should also try to spell out what can be censored, should limit legal liability to the individuals who pledged to keep secrets, and should consider more appropriate punishments for violators.

The penalty in Snepp's case was confiscation of the earnings from Snepp's book, but Aspin said that might not deter someone "who might wish to harm the CIA."

"It is essential that we protect key operations of the intelligence community from compromise," Aspin said. "But we should not set up a process to protect key officials of the intelligence community from embarrassment."

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